

Chaille (S.E.)

EADSPORT,

SHIP ISLAND QUARANTINE,

AND THE

NATIONAL BOARD OF HEALTH,

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To the Louisiana State Board of Health:

Gentlemen—In your report, adopted May 19, in reply to the five propositions of the National Board, submitted to you on May 13, you use the following encouraging language:

"We consider it our duty, we deem it is due both to ourselves and to our fellow-brothers of the National Board to give fully and explicitly our honest opinions and convictions on subjects of such vital importance as those that relate to public health. We hereby reiterate our most earnest desire to extend our friendly relations with all sanitary organizations—with the National Board more particularly. The object we are striving for is the same; public health is our aim and ambition." "We of the Louisiana State Board shall always be found ready to co-operate, to the utmost limit of our power to do so, in all measures having in view the interest and welfare of our common country."

The present representative at New Orleans of the National Board heartily reciprocates these sentiments, which encourage him to believe that you will patiently listen to some "honest opinions and convictions" opposed to your own, and that you are as anxious as he is to rid every question between you and the National Board of all misapprehensions and false issues.

On one subject, which may be termed the Eadsport and Ship Island quarantine question, it is respectfully but firmly believed that your report gives proof of serious misapprehensions respecting the position of the National Board on this question. Inasmuch as this same position has been taken by the Sanitary Council of the Mississippi Valley, and also by the Auxiliary Sanitary Association and the Medical and Surgical Association of New Orleans, it is not likely that discussion will cease until all misapprehensions have been removed, and some general conclusion has been reached on the true issue. As to what I may say on this subject, I beg leave to remind you that, although I represent in this city, for this summer only, the National Board, I still remain one of your constituents; that, as a citizen of New Orleans, my love for it, my home reputation, and my money interests all located here, greatly exceed any temptations which the National Board could possibly present me; and, therefore, that my convictions are not those of a salaried partisan, but of a fellow-citizen who has the permanent welfare of New Orleans nearest his heart, and who cannot be in any way so greatly benefited as by promoting its prosperity.

You have refused the request of the National Board—that you would co-operate with it in

not permitting vessels "infected or furnishing reasonable grounds for suspicion of infection" to pass Eadsport without evidence that they had been thoroughly disinfected at the Ship Island quarantine station, for the following reasons, as expressed in your report or in the discussion which followed: Because it would be illegal to grant this request; because vessels would forfeit their insurance policies; because the commerce of New Orleans would be so destroyed that even Louisiana would be ruined; and because the Ship Island quarantine could not furnish protection as efficient as is given by your own Mississippi River Quarantine Station. These four reasons for your refusal will now be considered.

1. THE ILLEGALITY.

On April 12, 1880, you referred this question to the Hon. J. O. Egan, attorney general, who on April 22 thus replied: "I consider that, for the purpose of quarantine, it would be in the power of your board to order ships coming to this port back to Ship Island, as a condition to their entry, if, in your opinion, such a measure would tend to the better security of the State from infectious diseases." In addition to this official opinion I have consulted three of the most distinguished legal firms in this city, and all of them agree, even a member of one of these firms who doubts the expediency of such action, that your board has the power in question. The Hon. T. J. Semmes expressed his opinion in these words: "The State Board of Health has the power to exclude vessels from entering the Mississippi river, and as a necessary consequence can prescribe the terms of admission." My confidence in these opinions is so firm that nothing, unless a contrary decision by our highest court, is likely to shake it.

The attorney general adds to his conclusion the opinion that you ought not, without the personal service of your own agents, to regard the certificate of the chief medical officer at Ship Island as "conclusively satisfactory." No one has called in question your power and right, on making the requested concession, to impose such conditions as may be proper. The National Board would cheerfully consent to your posting one of your own inspectors at Ship Island itself, as well as at Eadsport, who, with your officers at the Mississippi river quarantine, could certainly furnish such additional evidence as would be "conclusively satisfactory" to you.

Finally, on this question of legality, it is worthy of your attention that local boards in adjacent States have not been embarrassed by it. By some of these boards infected vessels

have been prohibited, until after their thorough disinfection at Ship island, from entering their ports; by this measure, the only practical one, these boards have enforced the advice of the National Board, which has never attempted itself to exercise any forcible compulsion, either on local boards or on infected vessels.

2. FORFEITURE OF INSURANCE.

The same legal firms were consulted on this question, and the reply was unanimous that vessels refused admission by you to the Mississippi river and advised to proceed to the quarantine at Ship island would not, by their compliance, forfeit their policies. My attention was called to the highest authorities on the law of marine insurance—to Parsons, Phillips, Arnould and Kent, all of whom substantially agree that a policy is not forfeited unless the vessel deviates, without adequate cause, from its prescribed route; that "no act done under compulsion can be regarded as a deviation;" that the orders of officers of a State are compulsory; and that compulsion, even if illegal, protects the policy from forfeiture.

Four of the most noted presidents of our most respectable insurance companies were also consulted, and these likewise united in the opinion that vessels would not forfeit their insurance policies. They added that, should your board take the action requested by the National Board, the underwriters in this city could take instant action to quiet every question; and that the same action could be taken, with brief delay, by underwriters in other ports, whether domestic or foreign.

This evidence has satisfied me that vessels, if required by you, whether indirectly or directly, to proceed from Eadsport to Ship island for quarantine purposes, would not forfeit their insurance policies; and that if there were any such danger, the remedy would be promptly and easily found.

3. DESTRUCTION OF THE COMMERCE OF NEW ORLEANS.

You are not requested to prohibit the passage above Eadsport of any vessels whatever, except only of those "infected or furnishing reasonable grounds for suspicion of infection." The amount of injury to commerce will depend on the proportion which the number of such vessels bear to the total number of vessels entering the Mississippi river. It is believed that the number of the latter has varied during the past ten years from about 800 to 1300 annually. To estimate the number of the former I have examined the evidence for the past ten years in the annual reports of your board and have found that these contain nothing whatever to indicate that there has ever arrived in any one year more than six vessels, either infected or which would have been, under any interpretation suggested by the National Board, reasonably suspected of infection. Your report for 1880 is the most satisfactory one on this subject yet published, and is for an unusually prosperous year. Out of 1271 vessels entering the Mississippi river you did not deem it a wise precaution to detain more than the exceptionally large number of 151, and of these there was not one which was either infected or reasonably suspected of infection. Only one vessel out of the total 1271—the bark *Excelsior*—ever gave any evidence either of infection or of reasonable suspicion of infection; and your own report also shows that there was no evidence of this at Eadsport, nor until this vessel reached New Orleans. Now, it is respectfully submitted that the detour of not exceeding six vessels annually from Eadsport to Ship island and back could not prove by any means disastrous to the commerce of New Orleans.

It may well be urged that the phrase "reasonable grounds for suspicion of infection" is a very elastic one and liable to great abuse. But no one has disputed your power to fix

precise limits to the signification of this phrase, and to assign to duty at Eadsport your own inspector, together with an inspector of the National Board, with orders to enforce no interpretation except your own of this phrase. It has never been denied that you alone have all the power in this matter, and therefore can dictate your own conditions. An inspector of the National Board at Eadsport could not, under present laws and regulations, exercise any more power there than its inspectors now at New Orleans and at the Mississippi river Quarantine Station exercise at these places, unless you saw fit to delegate to him some part of your own power. Surely it would be easy to check, when and how you pleased, the least tendency to injure the commerce of this city, whether this tendency was or was not justified by wise precautions for the public health.

These facts satisfy me that the injury to our commerce would prove insignificant in comparison with popular misapprehension on the subject, and slight in comparison with the good it is believed would ensue.

4. SHIP ISLAND QUARANTINE NO ADDITIONAL PROTECTION.

The National Board long since declared that it had no desire to "abolish the State Board," nor to usurp "the power and authority conferred upon it by law," nor to cause you "to abandon the fulfillment of your sworn and sacred duties," nor to impair the resources of your board. On the contrary, the National Board would rejoice to see your power and resources increased; for, disregarding less selfish considerations, is it not evident that, since it is a paramount duty of the National Board to aid and co-operate with local boards, the greater the influence of these, the greater must be its own?

The National Board has requested you to co-operate with it in providing New Orleans with what, it is believed, would prove an additional protection to the public health, and urges this for the sake, not only of this city, but also of many adjacent communities who firmly believe themselves in constant danger whenever New Orleans becomes infected. Would the Ship Island quarantine, as a station of refuge for infected vessels, furnish any additional protection? Stripping the disagreement between the two boards of all misapprehensions and false issues, this, in my opinion, is the sole question for consideration.

On May 8 I inspected your Mississippi River Quarantine Station, and testify, with pleasure, that I found it better than I had expected, and that I detected nothing to indicate that the officers in charge were not discharging their duty to the best of their ability, and as efficiently as the circumstances and the means at their disposal permitted. But I think that our future protection demands that these circumstances and means should be fully appreciated, for thus only can our Legislature be induced to give you the liberal aid required, and thus only can we secure from others needed sympathy and aid.

You report that Louisiana has on the Mississippi river "the best equipped and organized quarantine station outside of New York." As I have not inspected all of the others, I cannot add my testimony to yours, but I do know that no place in the United States has proved itself as liable to yellow fever as has New Orleans, and, therefore, that our quarantines should be second to none in efficiency. Dispensing with minor criticisms, I found two very great defects at the chief one of our three quarantine stations.

First—If there be any police force, it is inadequate to prevent communication between the quarantine grounds and the neighborhood; it is inadequate to prevent the passengers and crews on infected vessels from communicating with uninfected vessels and with the residents

below, above and over the river opposite to the station; it is inadequate to prevent such passengers and crews from occasionally avoiding at Eadsport or elsewhere your quarantine and in reaching this city by tow-boats or otherwise; and it is inadequate for the protection of Eadsport itself, as testified by Capt. Jas. B. Eads in his letter published this day in the DEMOCRAT. Unless more amply provided with funds I do not believe it in your power to remedy this defect.

Second—Sanitation demands the thorough cleansing of an infected vessel, and this necessitates the discharge of its cargo, while commerce demands that these things shall be done promptly and economically, and these demands require an abundant supply of cheap labor. When inspecting the Mississippi River Quarantine Station I found one vessel paying \$6 a day to every laborer, and the number secured by importation from New Orleans was inadequate, even at this price, to ensure the thorough and prompt unloading, cleansing and reloading requisite for the conjoint interests of sanitation and commerce. This grave defect is also out of your power to rectify. Nevertheless, however powerless you may be respecting the two defects cited, sanitarians and merchants or both will remain dissatisfied until some remedy for them is found.

The first defect is so inseparable from quarantine stations on the mainland, that sanitarians unite in demanding their location on islands. Besides this inestimable advantage I have been assured that an ample supply of laborers can be obtained at Ship Island for \$35 a month. Further, I have much more confidence in the ability and will of the United States to make its station at this island as perfect as is practicable than I have in your gaining either from the Legislature of this impoverished State or from the Council of this impoverished city the aid necessary to perfect our three quarantine stations—an end which must be accomplished unless we are to continue tampering with half-way measures. Appreciating fully our great misfortune that Louisiana has no island, for a quarantine station, at the mouth of our river, and that Ship Island is so distant therefrom, and conceding that the three reasons now given in favor of this station may not be considered conclusively satisfactory, I will advance an additional reason which, combined with the others, has sufficed to convince me that good policy dictates concession to the request of the National Board. The health authorities of the adjacent States of the Mississippi valley demand this concession as necessary to their protection, and declare that, if their demand is not heeded, they will be forced to interrupt our commerce with them on the least suspicion of danger. Yellow fever is a public enemy, and our neighbors have as much right to a voice in its exclusion from the Mississippi river as upon the exclusion therefrom of any other public enemy. Louisiana has not hesitated, when to its advantage, to vociferate that the Mississippi river is a national highway, and that all the States should contribute to its jetties and levees; now, when other States demand what they think essential for the protection of their public health, shall Louisiana inconsistently reply that the mouth of this national highway is exclusively under its control, and shall be managed regardless of their wishes?

5. GENERAL CONSIDERATIONS.

Several additional considerations deserve attention. Should our hope of greatly increased prosperity be fulfilled, then it is certain that our unacclimated population will increase, and thereby our danger of infection and our need for additional protection. Further, our traveling facilities will also be notably increased, with this the danger of infecting our neighbors, and with this their demands for

better protection. These anticipated conditions will, it is to be hoped, continue to strengthen the pressure both within and without this city to keep itself clean and uninfected, and to adopt every reasonable precaution to attain these ends. Hence, it is idle to expect the present issue will die out, and if it be not met fairly and generously, then, when disaster overtakes us, as it may in spite of all efforts and concessions, New Orleans will find itself a helpless victim to the indignant distrust and hostile action of its neighbors. In this matter the National Board represents not only a large number of your fellow citizens, and in my belief, the health authorities of adjacent States, but also the same generous country which overwhelmed this city in 1878 with millions of dollars of bounty. Is it fitting to refuse a concession urged by such applicants, and to attribute to a mean spirit of commercial jealousy their anxiety to shield timid communities, which are not hardened by habit to our dreadful scourge, nor protected as we, in large numbers, are by acclimation? They ask no more than an apparent sacrifice of an insignificant fraction of our foreign tropical trade in lieu of what they deem better security both for them and for us, and in lieu of annual jeopardy to our inestimably more valuable interstate commerce. For my part, I advocate proving to our neighbors that we love them as ourselves, and I, therefore, would concede to them a voice, though opposed to our own, in controlling the importation of yellow fever into the mouth of our great national highway.

Your concession would result, I am confident, in diminishing our risks of infection, and thereby would tend to promote our growing grain trade, our European imports, our home manufactures and our languishing summer business. Your concession would certainly accomplish the very desirable end of giving notice—as, apart from the consideration of an inspector at Eadsport, should, I think, be given by you—to all owners, agents and captains that vessels, certainly infected, shall no longer be permitted even to enter our river, but must, when destined for the Mississippi, proceed directly to the refuge for such vessels at Ship Island. By such measure, you would teach them a much needed lesson—namely, to enforce that better sanitary construction and regulation of their vessels which has enabled some steamship lines to ply between Havana and New York for a decenniad without having had a single case of yellow fever on board. This good result alone weighs heavily in the balance against the slight temporary injury to our commerce, and would, by permanent advantages, ultimately more than compensate this commerce.

Farther still, your concession would give you greater influence in eventually promoting measures most desirable for our commerce; such, for instance, as gaining the aid of the United States in establishing quarantine stations perfectly satisfactory both to adjacent States and to Louisiana; and such as the stationing of sanitary officers both at Rio and Vera Cruz, whereby our intercourse with these ports would be rendered much safer, and the interests of our coffee and other trades would be greatly promoted.

In conclusion, gentlemen, it is my conviction that this question merits your farther consideration—your personal inspection of the Ship Island Quarantine Station, and of all the subjects pertaining thereto—and that you would give great satisfaction to many of your fellow-citizens, within and without this State, should you consent to reconsider your refusal, based on what, I have now stated my reasons for believing, were misapprehensions of the position on this subject of the National Board.

Very respectfully yours,

STANFORD E. CHAILLE,
Supervising Inspector National Board of Health.
New Orleans, June 9, 1881.



